



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

September 19, 2008

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To: Supervisor Yvonne B. Burke, Chair
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From: William T Fujioka
Chief Executive Officer

MOTION TO OPPOSE PROPOSITION 8 – ELIMINATES RIGHT OF SAME-SEX COUPLES TO MARRY (ITEM NO. 24, AGENDA OF SEPTEMBER 23, 2008)

Item No. 24 on the September 23, 2008 Agenda is a motion by Supervisor Yaroslavsky to express his firm opposition to Proposition 8, and urge all voters to reject and defeat this divisive, unnecessary and socially destructive measure.

Proposition 8 would amend the California Constitution to specify that only marriage between a man and a woman is valid or recognized in California. As a result, notwithstanding the California Supreme Court ruling of May 2008, marriage would be limited to individuals of the opposite sex, and individuals of the same sex would not have the right to marry in California.

In March 2000, California voters passed Proposition 22 to specify in State law that only marriage between a man and a woman is valid or recognized in California. In May 2008, the California Supreme Court ruled that the statute enacted by Proposition 22 and other statutes that limit marriage to a relationship between a man and a woman violated the equal protection clause of the California Constitution. It also held that individuals of the same sex have the right to marry under the California Constitution. As a result of the ruling, marriage between individuals of the same sex is currently valid or recognized in the State.

Legislative Analyst's Office Report. According to the Legislative Analyst Office (LAO), because marriage between individuals of the same-sex is currently valid in California, there would likely be an increase in spending on weddings by same-sex couples in California over the next few years. This would result in increased sales tax revenues to State and

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local governments. However, if Proposition 8 is approved, this could result in revenue loss from sales taxes to State and local governments. The LAO concludes that over time the measure would likely have a minimum fiscal impact on State and local governments.

Affected Departments. The Registrar Recorder/ County Clerk (RRCC) indicates that the Department has issued marriage licenses and performed ceremonies on a gender-neutral basis since June 17, 2008. Further, the marriage license forms were changed by the State Department of Public Health Office of Vital Records to read Party A and Party B instead of Groom and Bride. This action was taken pursuant to the California Supreme Court ruling, lifting the ban against same-sex marriages and recognizing these marriages as valid in California. If the Proposition is passed by the voters, there would be a few issues that the RRCC would need to address such as the time when the new language takes effect, how would the marriages already performed pursuant to the Supreme Court ruling be affected, and how would those couples who have obtained a marriage license but whose ceremony is scheduled after the passage of the Proposition would be affected.

Support and Opposition. According to the sponsors of Proposition 8, this Proposition is supported by several organizations, including the California Catholic Conference of Bishops, Focus on the Family, Concerned Women for America, California Family Council, Capitol Resource Institute, Eagle Forum of California, Traditional Family Coalition, Family Leader Network, Pacific Justice Institute, the Western Center for Law and Policy, and the Traditional Values Coalition, among others.

According to opponents of Proposition 8, it is opposed by several organizations, including the American Civil Liberties Union (ACLU) of Northern California, ACLU of Southern California, ACLU of San Diego and Imperial Counties, All Saints Episcopal Church, Anti-Defamation League, California NAACP, California National Organization for Women, California Teachers Association, Courage Campaign, Gay and Lesbian Alliance Against Defamation and the Log Cabin Republicans of California, among others.

There are no existing Board policies relating to the right of same-sex couples to equal access to civil marriage. **Therefore, a position on Proposition 8 is a matter for Board policy determination.**

WTF:GK
MR:RM:lm

c: Executive Officer, Board of Supervisors
County Counsel
Registrar Recorder/ County Clerk